

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CHARLES RIDGEWAY, ET AL.,

Plaintiffs,

v.

WAL-MART STORES INC.,

Defendant.

Case No. 08-cv-05221-SI

**JURY VERDICT FORMS**

Please carefully read and complete this form in the order in which it is presented.

# **PART I. CLAIMS OF ALL CLASS MEMBERS EXCEPT CLASS REPRESENTATIVES**

## **MINIMUM WAGE**

### **Question No. 1:**

Were the class members paid less than the minimum wage by Wal-Mart for some or all hours worked for any of the following tasks?

(A) Performing Pre-Trip Inspections

Yes X No       

(B) Performing Post-Trip Inspections

Yes X No       

(C) Fueling the Tractor

Yes        No X

(D) Washing the Tractor/Trailer

Yes        No X

(E) Weighing the Tractor/Trailer at an Independent Weigh Station

Yes        No X

(F) Performing Adjustments after Weighing the Tractor/Trailer at an Independent Weigh Station

Yes        No X

(G) Undergoing Department of Transportation Roadside Inspections

Yes        No X

(H) Meeting with a Driver Coordinator

Yes        No X

(I) Taking 10-minute Rest Breaks

Yes X No

(J) Taking 10-hour Layovers

Yes X No       

(K) Waiting at a Vendor or Store Location

Yes        No X

*If your answer to any task in Question No. 1 is "yes," then proceed to Question No. 2. If you answered "no" for all tasks, skip Question Nos. 2-4 and proceed to Part II below.*

**Question No. 2:**

For any of the tasks that you answered "yes" in Question No. 1, what is the amount of wages owed for hours worked at pay less than the minimum wage?

(A) Performing Pre-Trip Inspections: \$ 2,971,220

(B) Performing Post-Trip Inspections: \$ 2,971,220

(C) Fueling the Tractor: \$ Ø

(D) Washing the Tractor/Trailer: \$ Ø

(E) Weighing the Tractor/Trailer: \$ Ø

(F) Performing Adjustments after Weighing the Tractor/Trailer at an Independent Weigh Station: \$ Ø

(G) Undergoing Department of Transportation Roadside Inspections: \$ Ø

(H) Meeting with a Driver Coordinator: \$ Ø

(I) Taking 10-minute Rest Breaks: \$ 3,961,975

(J) Taking 10-hour Layovers: \$ 44,699,766

(K) Waiting at a Vendor or Store Location: \$ Ø

**CIVIL PENALTIES**

**Question No. 3:**

Did Wal-Mart intentionally fail to pay minimum wage to class members, not including the class representatives, in any pay period from October 10, 2007 to October 15, 2015?

Yes X No \_\_\_\_\_

**Question No. 4:**

For how many pay periods (total, for all class members, not including the class representatives) did Wal-Mart fail to pay minimum wage to class members from October 10, 2007 to October 15, 2015?

103,221 pay periods

**PART II. CHARLES RIDGEWAY****MINIMUM WAGE****Question No. 5:**

Was Charles Ridgeway paid less than the minimum wage by Wal-Mart for some or all hours worked for any of the following tasks?

(A) Performing Pre-Trip Inspections

Yes X No       

(B) Performing Post-Trip Inspections

Yes X No       

(C) Fueling the Tractor

Yes        No X

(D) Washing the Tractor/Trailer

Yes        No X

(E) Weighing the Tractor/Trailer at an Independent Weigh Station

Yes        No X

(F) Performing Adjustments after Weighing the Tractor/Trailer at an Independent Weigh Station

Yes        No X

(G) Undergoing Department of Transportation Roadside Inspections

Yes        No X

(H) Meeting with a Driver Coordinator

Yes        No X

(I) Taking 10-minute Rest Breaks

Yes X No       

(J) Taking 10-hour Layovers

Yes X No       

(K) Waiting at a Vendor or Store Location

Yes        No X

If your answer to any task in Question No. 5 is "yes," then proceed to Question No. 6. If you answered "no" for all tasks, skip Question No. 6 and proceed to Part III below.

**Question No. 6:**

For any of the tasks that you answered "yes" in Question No. 5, what is the amount of wages owed to Charles Ridgeway for hours worked at pay less than the minimum wage?

(A) Performing Pre-Trip Inspections: \$ 493.82

(B) Performing Post-Trip Inspections: \$ 768.52

(C) Fueling the Tractor: \$ Ø

(D) Washing the Tractor/Trailer: \$ Ø

(E) Weighing the Tractor/Trailer: \$ Ø

(F) Performing Adjustments after Weighing the Tractor/Trailer at an Independent Weigh Station: \$ Ø

(G) Undergoing Department of Transportation Roadside Inspections: \$ Ø

(H) Meeting with a Driver Coordinator: \$ Ø

(I) Taking 10-minute Rest Breaks: \$ 1414.14

(J) Taking 10-hour Layovers: \$ 8036.98

(K) Waiting at a Vendor or Store Location: \$ Ø

## PART III. JAIME FAMOSO

## MINIMUM WAGE

## Question No. 7:

Was Jaime Famoso paid less than the minimum wage by Wal-Mart for some or all hours worked for any of the following tasks?

(A) Performing Pre-Trip Inspections

Yes X No       

(B) Performing Post-Trip Inspections

Yes X No       

(C) Fueling the Tractor

Yes        No X

(D) Washing the Tractor/Trailer

Yes        No X

(E) Weighing the Tractor/Trailer at an Independent Weigh Station

Yes        No X

(F) Performing Adjustments after Weighing the Tractor/Trailer at an Independent Weigh Station

Yes        No X

(G) Undergoing Department of Transportation Roadside Inspections

Yes        No X

(H) Meeting with a Driver Coordinator

Yes        No X

(I) Taking 10-minute Rest Breaks

Yes X No       

(J) Taking 10-hour Layovers

Yes X No       

(K) Waiting at a Vendor or Store Location

Yes        No X

If your answer to any task in Question No. 7 is "yes," then proceed to Question No. 8. If you answered "no" for all tasks, skip Question Nos. 8-10 and proceed to Part IV below.

**Question No. 8:**

For any of the tasks that you answered "yes" in Question No. 7, what is the amount of wages owed to Jaime Famoso for hours worked at pay less than the minimum wage?

(A) Performing Pre-Trip Inspections: \$ 2190.26

(B) Performing Post-Trip Inspections: \$ 3365.49

(C) Fueling the Tractor: \$ Ø

(D) Washing the Tractor/Trailer: \$ Ø

(E) Weighing the Tractor/Trailer: \$ Ø

(F) Performing Adjustments after Weighing the Tractor/Trailer at an Independent Weigh Station: \$ Ø

(G) Undergoing Department of Transportation Roadside Inspections: \$ Ø

(H) Meeting with a Driver Coordinator: \$ Ø

(I) Taking 10-minute Rest Breaks: \$ 6,031.08

(J) Taking 10-hour Layovers: \$ 21,993.79

(K) Waiting at a Vendor or Store Location: \$ Ø

**CIVIL PENALTIES**

**Question No. 9:**

Did Wal-Mart intentionally fail to pay minimum wage to Jaime Famoso, in any pay period from October 10, 2007 to October 15, 2015?

Yes X

No       

**Question No. 10:**

For how many pay periods did Wal-Mart fail to pay minimum wage to Jaime Famoso from October 10, 2007 to October 15, 2015?

64 pay periods



**PART IV. JOSHUA HAROLD****MINIMUM WAGE****Question No. 11:**

Was Joshua Harold paid less than the minimum wage by Wal-Mart for some or all hours worked for any of the following tasks?

(A) Performing Pre-Trip Inspections

Yes ☒ No ☐

(B) Performing Post-Trip Inspections

Yes ☒ No ☐

(C) Fueling the Tractor

Yes ☐ No ☒

(D) Washing the Tractor/Trailer

Yes ☐ No ☒

(E) Weighing the Tractor/Trailer at an Independent Weigh Station

Yes ☐ No ☒

(F) Performing Adjustments after Weighing the Tractor/Trailer at an Independent Weigh Station

Yes ☐ No ☒

(G) Undergoing Department of Transportation Roadside Inspections

Yes ☐ No ☒

(H) Meeting with a Driver Coordinator

Yes ☐ No ☒

(I) Taking 10-minute Rest Breaks

Yes ☒ No ☐

(J) Taking 10-hour Layovers

Yes ☒ No ☐

(K) Waiting at a Vendor or Store Location

Yes ☐ No ☒

If your answer to any task in Question No. 11 is "yes," then proceed to Question No. 12. If you answered "no" for all tasks, skip Question Nos. 12-14 and proceed to Part V below.

**Question No. 12:**

For any of the tasks that you answered "yes" in Question No. 11, what is the amount of wages owed to Joshua Harold for hours worked at pay less than the minimum wage?

(A) Performing Pre-Trip Inspections: \$ 3,093.18

(B) Performing Post-Trip Inspections: \$ 4,248.79

(C) Fueling the Tractor: \$ Ø

(D) Washing the Tractor/Trailer: \$ Ø

(E) Weighing the Tractor/Trailer: \$ Ø

(F) Performing Adjustments after Weighing the Tractor/Trailer at an Independent Weigh Station: \$ Ø

(G) Undergoing Department of Transportation Roadside Inspections: \$ Ø

(H) Meeting with a Driver Coordinator: \$ Ø

(I) Taking 10-minute Rest Breaks: \$ 7,788.05

(J) Taking 10-hour Layovers: \$ 95,556.21

(K) Waiting at a Vendor or Store Location: \$ Ø

**CIVIL PENALTIES**

**Question No. 13:**

Did Wal-Mart intentionally fail to pay minimum wage to Joshua Harold, in any pay period from October 10, 2007 to October 15, 2015?

Yes X No       

**Question No. 14:**

For how many pay periods did Wal-Mart fail to pay minimum wage to Joshua Harold from October 10, 2007 to October 15, 2015?

196 pay periods

## PART V. RICHARD BYERS

## MINIMUM WAGE

## Question No. 15:

Was Richard Byers paid less than the minimum wage by Wal-Mart for some or all hours worked for any of the following tasks?

(A) Performing Pre-Trip Inspections

Yes ☒ No ☐

(B) Performing Post-Trip Inspections

Yes ☒ No ☐

(C) Fueling the Tractor

Yes ☐ No ☒

(D) Washing the Tractor/Trailer

Yes ☐ No ☒

(E) Weighing the Tractor/Trailer at an Independent Weigh Station

Yes ☐ No ☒

(F) Performing Adjustments after Weighing the Tractor/Trailer at an Independent Weigh Station

Yes ☐ No ☒

(G) Undergoing Department of Transportation Roadside Inspections

Yes ☐ No ☒

(H) Meeting with a Driver Coordinator

Yes ☐ No ☒

(I) Taking 10-minute Rest Breaks

Yes ☒ No ☐

(J) Taking 10-hour Layovers

Yes ☒ No ☐

(K) Waiting at a Vendor or Store Location

Yes ☐ No ☒

If your answer to any task in Question No. 15 is "yes," then proceed to Question No. 16. If you answered "no" for all tasks, skip Question No. 16 and proceed to Part VI below.

**Question No. 16:**

For any of the tasks that you answered "yes" in Question No. 15, what is the amount of wages owed to Richard Byers for hours worked at pay less than the minimum wage?

(A) Performing Pre-Trip Inspections: \$ 283.<sup>12</sup>

(B) Performing Post-Trip Inspections: \$ 449.<sup>23</sup>

(C) Fueling the Tractor: \$ Ø

(D) Washing the Tractor/Trailer: \$ Ø

(E) Weighing the Tractor/Trailer: \$ Ø

(F) Performing Adjustments after Weighing the Tractor/Trailer at an Independent Weigh Station: \$ Ø

(G) Undergoing Department of Transportation Roadside Inspections: \$ Ø

(H) Meeting with a Driver Coordinator: \$ Ø

(I) Taking 10-minute Rest Breaks: \$ 829.<sup>Ø8</sup>

(J) Taking 10-hour Layovers: \$ 9,062.<sup>32</sup>

(K) Waiting at a Vendor or Store Location: \$ Ø

## PART VI. DAN THATCHER

## MINIMUM WAGE

## Question No. 17:

Was Dan Thatcher paid less than the minimum wage by Wal-Mart for some or all hours worked for any of the following tasks?

(A) Performing Pre-Trip Inspections

Yes ☒ No ☐

(B) Performing Post-Trip Inspections

Yes ☒ No ☐

(C) Fueling the Tractor

Yes ☐ No ☒

(D) Washing the Tractor/Trailer

Yes ☐ No ☒

(E) Weighing the Tractor/Trailer at an Independent Weigh Station

Yes ☐ No ☒

(F) Performing Adjustments after Weighing the Tractor/Trailer at an Independent Weigh Station

Yes ☐ No ☒

(G) Undergoing Department of Transportation Roadside Inspections

Yes ☐ No ☒

(H) Meeting with a Driver Coordinator

Yes ☐ No ☒

(I) Taking 10-minute Rest Breaks

Yes ☒ No ☐

(J) Taking 10-hour Layovers

Yes ☒ No ☐

(K) Waiting at a Vendor or Store Location

Yes ☐ No ☒

If your answer to any task in Question No. 17 is "yes," then proceed to Question No. 18. If you answered "no" for all tasks, skip Question No. 18 and proceed to Part VII below.

**Question No. 18:**

For any of the tasks that you answered "yes" in Question No. 17, what is the amount of wages owed to Dan Thatcher for hours worked at pay less than the minimum wage?

(A) Performing Pre-Trip Inspections: \$ 145.69

(B) Performing Post-Trip Inspections: \$ 227.72

(C) Fueling the Tractor: \$ 0

(D) Washing the Tractor/Trailer: \$ 0

(E) Weighing the Tractor/Trailer: \$ 0

(F) Performing Adjustments after Weighing the Tractor/Trailer at an Independent Weigh Station: \$ 0

(G) Undergoing Department of Transportation Roadside Inspections: \$ 0

(H) Meeting with a Driver Coordinator: \$ 0

(I) Taking 10-minute Rest Breaks: \$ 419.07

(J) Taking 10-hour Layovers: \$ 4,522.88

(K) Waiting at a Vendor or Store Location: \$ 0

## PART VII. WILLIE FRANKLIN

## MINIMUM WAGE

## Question No. 19:

Was Willie Franklin paid less than the minimum wage by Wal-Mart for some or all hours worked for any of the following tasks?

(A) Performing Pre-Trip Inspections

Yes ☒ No ☐

(B) Performing Post-Trip Inspections

Yes ☒ No ☐

(C) Fueling the Tractor

Yes ☐ No ☒

(D) Washing the Tractor/Trailer

Yes ☐ No ☒

(E) Weighing the Tractor/Trailer at an Independent Weigh Station

Yes ☐ No ☒

(F) Performing Adjustments after Weighing the Tractor/Trailer at an Independent Weigh Station

Yes ☐ No ☒

(G) Undergoing Department of Transportation Roadside Inspections

Yes ☐ No ☒

(H) Meeting with a Driver Coordinator

Yes ☐ No ☒

(I) Taking 10-minute Rest Breaks

Yes ☒ No ☐

(J) Taking 10-hour Layovers

Yes ☒ No ☐

(K) Waiting at a Vendor or Store Location

Yes ☐ No ☒

If your answer to any task in Question No. 19 is "yes," then proceed to Question No. 20. If you answered "no" for all tasks, skip Question Nos. 20-22 and proceed to Part VIII below.

**Question No. 20:**

For any of the tasks that you answered "yes" in Question No. 19, what is the amount of wages owed to Willie Franklin for hours worked at pay less than the minimum wage?

(A) Performing Pre-Trip Inspections: \$ 959.11

(B) Performing Post-Trip Inspections: \$ 1,488.58

(C) Fueling the Tractor: \$ Ø

(D) Washing the Tractor/Trailer: \$ Ø

(E) Weighing the Tractor/Trailer: \$ Ø

(F) Performing Adjustments after Weighing the Tractor/Trailer at an Independent Weigh Station: \$ Ø

(G) Undergoing Department of Transportation Roadside Inspections: \$ Ø

(H) Meeting with a Driver Coordinator: \$ Ø

(I) Taking 10-minute Rest Breaks: \$ 2,637.29

(J) Taking 10-hour Layovers: \$ 21,811.71

(K) Waiting at a Vendor or Store Location: \$ Ø

**CIVIL PENALTIES**

**Question No. 21:**

Did Wal-Mart intentionally fail to pay minimum wage to Willie Franklin, in any pay period from October 10, 2007 to October 15, 2015?

Yes X No       

**Question No. 22:**

For how many pay periods did Wal-Mart fail to pay minimum wage to Willie Franklin from October 10, 2007 to October 15, 2015?

26 pay periods



**PART VIII. TIM OPITZ****MINIMUM WAGE****Question No. 23:**

Was Tim Opitz paid less than the minimum wage by Wal-Mart for some or all hours worked for any of the following tasks?

(A) Performing Pre-Trip Inspections

Yes ☒ No ☐

(B) Performing Post-Trip Inspections

Yes ☒ No ☐

(C) Fueling the Tractor

Yes ☐ No ☒

(D) Washing the Tractor/Trailer

Yes ☐ No ☒

(E) Weighing the Tractor/Trailer at an Independent Weigh Station

Yes ☐ No ☒

(F) Performing Adjustments after Weighing the Tractor/Trailer at an Independent Weigh Station

Yes ☐ No ☒

(G) Undergoing Department of Transportation Roadside Inspections

Yes ☐ No ☒

(H) Meeting with a Driver Coordinator

Yes ☐ No ☒

(I) Taking 10-minute Rest Breaks

Yes ☒ No ☐

(J) Taking 10-hour Layovers

Yes ☒ No ☐

(K) Waiting at a Vendor or Store Location

Yes ☐ No ☒

If your answer to any task in Question No. 23 is "yes," then proceed to Question No. 24. If you answered "no" for all tasks, skip Question Nos. 24-26 and proceed to Part IX below.

**Question No. 24:**

For any of the tasks that you answered "yes" in Question No. 23, what is the amount of wages owed to Tim Opitz for hours worked at pay less than the minimum wage?

(A) Performing Pre-Trip Inspections: \$ 1,561.70

(B) Performing Post-Trip Inspections: \$ 2,418.57

(C) Fueling the Tractor: \$ Ø

(D) Washing the Tractor/Trailer: \$ Ø

(E) Weighing the Tractor/Trailer: \$ Ø

(F) Performing Adjustments after Weighing the Tractor/Trailer at an Independent Weigh Station: \$ Ø

(G) Undergoing Department of Transportation Roadside Inspections: \$ Ø

(H) Meeting with a Driver Coordinator: \$ Ø

(I) Taking 10-minute Rest Breaks: \$ 4,417.60

(J) Taking 10-hour Layovers: \$ 41,433.07

(K) Waiting at a Vendor or Store Location: \$ Ø

**CIVIL PENALTIES**

**Question No. 25:**

Did Wal-Mart intentionally fail to pay minimum wage to Tim Opitz, in any pay period from October 10, 2007 to October 15, 2015?

Yes X No       

**Question No. 26:**

For how many pay periods did Wal-Mart fail to pay minimum wage to Tim Opitz from October 10, 2007 to October 15, 2015?

31 pay periods

## PART IX. FARRIS DAY

## MINIMUM WAGE

## Question No. 27:

Was Farris Day paid less than the minimum wage by Wal-Mart for some or all hours worked for any of the following tasks?

(A) Performing Pre-Trip Inspections

Yes ☒ No ☐

(B) Performing Post-Trip Inspections

Yes ☒ No ☐

(C) Fueling the Tractor

Yes ☐ No ☒

(D) Washing the Tractor/Trailer

Yes ☐ No ☒

(E) Weighing the Tractor/Trailer at an Independent Weigh Station

Yes ☐ No ☒

(F) Performing Adjustments after Weighing the Tractor/Trailer at an Independent Weigh Station

Yes ☐ No ☒

(G) Undergoing Department of Transportation Roadside Inspections

Yes ☐ No ☒

(H) Meeting with a Driver Coordinator

Yes ☐ No ☒

(I) Taking 10-minute Rest Breaks

Yes ☒ No ☐

(J) Taking 10-hour Layovers

Yes ☒ No ☐

(K) Waiting at a Vendor or Store Location

Yes ☐ No ☒

If your answer to any task in Question No. 27 is "yes," then proceed to Question No. 28. If you answered "no" for all tasks, skip Question Nos. 28-30 and proceed to Part X below.

**Question No. 28:**

For any of the tasks that you answered "yes" in Question No. 27, what is the amount of wages owed to Farris Day for hours worked at pay less than the minimum wage?

(A) Performing Pre-Trip Inspections: \$ 1,256.94

(B) Performing Post-Trip Inspections: \$ 1,908.60

(C) Fueling the Tractor: \$ 0

(D) Washing the Tractor/Trailer: \$ 0

(E) Weighing the Tractor/Trailer: \$ 0

(F) Performing Adjustments after Weighing the Tractor/Trailer at an Independent Weigh Station: \$ 0

(G) Undergoing Department of Transportation Roadside Inspections: \$ 0

(H) Meeting with a Driver Coordinator: \$ 0

(I) Taking 10-minute Rest Breaks: \$ 3,510.07

(J) Taking 10-hour Layovers: \$ 37,575.41

(K) Waiting at a Vendor or Store Location: \$ 0

**CIVIL PENALTIES**

**Question No. 29:**

Did Wal-Mart intentionally fail to pay minimum wage to Farris Day, in any pay period from October 10, 2007 to October 15, 2015?

Yes X No       

**Question No. 30:**

For how many pay periods did Wal-Mart fail to pay minimum wage to Farris Day from October 10, 2007 to October 15, 2015?

34 pay periods

**PART X. KARL MERHOFF****MINIMUM WAGE****Question No. 31:**

Was Karl Merhoff paid less than the minimum wage by Wal-Mart for some or all hours worked for any of the following tasks?

(A) Performing Pre-Trip Inspections

Yes X No       

(B) Performing Post-Trip Inspections

Yes X No       

(C) Fueling the Tractor

Yes        No X

(D) Washing the Tractor/Trailer

Yes        No X

(E) Weighing the Tractor/Trailer at an Independent Weigh Station

Yes        No X

(F) Performing Adjustments after Weighing the Tractor/Trailer at an Independent Weigh Station

Yes        No X

(G) Undergoing Department of Transportation Roadside Inspections

Yes        No X

(H) Meeting with a Driver Coordinator

Yes        No X

(I) Taking 10-minute Rest Breaks

Yes X No       

(J) Taking 10-hour Layovers

Yes X No       

(K) Waiting at a Vendor or Store Location

Yes        No X

If your answer to any task in Question No. 31 is "yes," then proceed to Question No. 32. If you answered "no" for all tasks, stop here, answer no further questions, and have the presiding juror sign and date this form.

**Question No. 32:**

For any of the tasks that you answered "yes" in Question No. 31, what is the amount of wages owed to Karl Merhoff for hours worked at pay less than the minimum wage?

(A) Performing Pre-Trip Inspections: \$ 1,051.88

(B) Performing Post-Trip Inspections: \$ 1,613.39

(C) Fueling the Tractor: \$ Ø

(D) Washing the Tractor/Trailer: \$ Ø

(E) Weighing the Tractor/Trailer: \$ Ø

(F) Performing Adjustments after Weighing the Tractor/Trailer at an Independent Weigh Station: \$ Ø

(G) Undergoing Department of Transportation Roadside Inspections: \$ Ø

(H) Meeting with a Driver Coordinator: \$ Ø

(I) Taking 10-minute Rest Breaks: \$ 2,977.15

(J) Taking 10-hour Layovers: \$ 38,039.09

(K) Waiting at a Vendor or Store Location: \$ Ø

**CIVIL PENALTIES****Question No. 33:**

Did Wal-Mart intentionally fail to pay minimum wage to Karl Merhoff, in any pay period from October 10, 2007 to October 15, 2015?

Yes X No       

**Question No. 34:**

For how many pay periods did Wal-Mart fail to pay minimum wage to Karl Merhoff from October 10, 2007 to October 15, 2015?

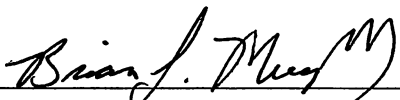
27 pay periods

United States District Court  
Northern District of California

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Once you have completed the entire verdict form, please sign and date it below:

Dated: 11 - 23 - 16

  
Foreperson